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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,630	09/20/2000	Kaushal Kurapati	US000240	5682
24737 7590 03/22/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER HOYE, MICHAEL.W	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/22/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/666,630	KURAPATI, KAUSHAL	
	Examiner	Art Unit	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12,14-22 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 8,13,23 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 12/12/06, PROSECUTION IS HEREBY REOPENED. See the new grounds of rejection as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Response to Arguments

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-12, 14-22, 24-27, and 29-32, are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard (USPN 5,801,747).

As to claims 1, 3, 16, 18, and 31, note the Bedard reference which teaches a system and method for monitoring viewing history to determine programs to recommend to viewers. The claimed apparatus, method, and article of manufacture “for identifying changes in television viewing preferences of an individual” is met by Figures 2 and 3 and the corresponding methods described in detail below (also see col. 3, lines 32-55). Bedard teaches computer executable instructions configured in memory to be executed by a processor for “obtaining a viewer history indicating a set of programs that have been watched by a user” as seen by the flowchart of Fig. 3 and taught in col. 3, lines 32-62, col. 4, lines 49-65 and col. 5, lines 6+, by tracking which channels are watched, as well as the types or categories of television programming that the viewer prefers on those channels. A plurality of choices (Figs. 1 and 2) with respective records combine to form a user selection history. The overall selection history is established into “at least two viewing history sub-sets, VH_1 and VH_K , from said viewing history”, by comparing recent selections, including programming categories/subcategories (subset 2), to old selections, including programming categories/subcategories (subset 1), to determine if the profile should be updated using weighted techniques (see col. 4, lines 49-65 and col. 6, lines 33-63), wherein an

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update in the profile corresponds to the identification of a change in viewer preferences. The claimed “generating a corresponding set of program recommendation scores, S_1 and S_K , for a set of programs in a given time interval based on at least two viewing history sub-sets VH_1 and VH_K ” is met by the category/subcategory viewing units as shown in Fig. 2 (see col. 4, line 27 – col. 6, line 62), wherein the type of category/subcategory in the viewer profile array corresponds to a first viewing history sub-set and the new entry, the currently viewed channel and type of category/subcategory not existing in the viewer profile array, corresponds to a second viewing history sub-set. Bedard also teaches that, “The EPG of FIG. 5 can operate in conjunction with the viewer profile of the present invention to organize the individual channels in row 502 by viewer preference” (see col. 7, lines 39-41), “so as to provide faster access to information concerning the viewer’s preferred channels and/or programming categories” (see col. 7, lines 19-27). The claimed “comparing said sets of program recommendation scores, S_1 and S_K based on respective viewing history sub-sets, to identify a change in said viewer preferences” is met by the comparison of a new entry (viewing history subset 2) to existing viewer profile array entries (viewing history subset 1) to determine if the profile should be updated (col. 6, lines 33-63) wherein the system compares the first set of scores with the second set of scores in order to determine whether a new entry should be added to the viewer profile upon identifying a change in user preferences (see columns 5-6).

As to claims 11, 26 and 32, similar limitations are recited in claims 1, 16, and 31, with the additional limitation of “deleting a portion of said viewing history if said sets of program recommendation scores...are substantially similar.” This limitation is met by comparing current and past selection histories and updating the records by maintaining a list of the most relevant

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past selections. Specifically, old entries may be replaced as taught in col. 5, lines 59-60 or updated if they are similar but have different viewing units as taught in col. 5, lines 44-48. Note, the comparison of viewing units between the past selection histories and the new entry satisfies this limitation since the respective scores may vary by one viewing unit, making their scores substantially similar, but resulting in the deletion of a portion of the viewing history if the new entry score is at least one viewing unit greater than any entry within the viewing history.

As to claims 2, 12, 17, and 27, the claimed “comparing the top-N (where N is a positive integer) recommended television programs in each set, S_1 and S_K ” is met by comparing the entries as taught in col. 6, lines 35-39.

As to claims 4 and 19, the claimed “presenting a user with a set of recommended programs based on one or both of said sets of programs, S_1 and S_K ” is met by using the methods above and displaying a list of recommended programs as seen in Fig. 4 and taught in col. 7, lines 14-27).

As to claims 5 and 20, the claimed “presenting a user with a union set of recommended programs based on said sets of programs, S_1 and S_K ” is met by building an initial profile, and while the profile is being built, all entries, both old and new, will be saved while there is space as described in col. 5, 49-58. Therefore, by storing or maintaining both old and new data, a union is formed.

As to claim 6 and 21, the claimed “presenting a user with an intersection set of recommended programs based said sets of programs, S_1 and S_K ” is met by col. 8, lines 22-30, where the viewer profile array 200 may be used to identify programming/channels that the user

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has not been watching, but that contain content the viewer might find interesting based on a determination of what programming/channels the viewer enjoys watching the most.

As to claims 7 and 22, the claimed “presenting a user with a set of recommended programs, S_K , based on a more recent sub-set of said viewing history” is met by giving weight to recently viewed programs (col. 6, 44-46) and presenting users with a sub-set of recommendations based on a compilation of the most recently viewing programming (col. 8, lines 55-58).

As to claims 9-10, 14-15, 24-25, and 29-30, the claimed “wherein said at least two viewing history sub-sets, VH_1 and VH_K , from said viewing history are obtained by selecting a time span that is less than the entire time period covered by the viewing history” is met by selecting from a user selection history over a period of recent viewing as taught in col. 5, lines 34-41. These entries are compared to older entries to determine which should be removed in case the profile is full (col. 5, lines 19-27). The claimed “selected time span is an earlier “similar” time period to a given time interval” is met by the time spans are both time periods with a duration.

Allowable Subject Matter

5. Claims 8, 13, 23, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone, or in combination fail to teach or fairly suggest “wherein said at least two

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viewing history sub-sets, VH_I and VH_K , from said viewing history are obtained by uniformly randomly sampling sub-sets of television programs from said viewing history.”

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

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Except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer
March 14, 2007



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600